

S.B. CRIMINAL REVISION PETITION NO.56/2006
(Harish Chandra vs. State of Rajasthan)

Date :: 23.05.2006

HON'BLE MR.JUSTICE H.R. PANWAR

Mr.Talat Bari, for the petitioner.
Mr.J.P.S. Choudhary, Public Prosecutor.

By the instant criminal revision under Section 397 read with Section 401 Cr.P.C., petitioner has challenged the order dated 18.10.2005 passed by the Additional Chief Judicial Magistrate (First Class), Badi Sadri camp Mandfia (in short trial court) in criminal complaint case No.42/2003, whereby the trial court dismissed the complaint filed the petitioner.

I have heard learned counsel for the petitioner and the learned Public Prosecutor and perused the order impugned.

It appears that the petitioner has been arrested by the Police for offense punishable under the NDPS Act as he was found in possession of one and half Kg smack (Heroin) in contravention of the provisions of NDPS Act which is punishable under Section 8/21 of the said Act. It appears that in defence the petitioner has set up a story that while at the petrol pump he was kidnapped in a car and thereafter a case has been instituted against him. The trial court on considering the evidence prima facie came to the conclusion that no

such occurrence has took place. The petitioner was found in possession of contraband smack (Heroin) of one and half Kg which is a commercial quantity punishable under Section 8/21(C) of NDPS Act for which the minimum punishment is 10 years rigorous imprisonment and fine of Rs.1 lakh, without there being any permit or licence. The witnesses which the complainant produced before the trial court are interested in him and deposed in order to save the petitioner from the consequences of committing an offence punishable under Section 8./21(C) of the NDPS Act.

On careful scrutiny of the order impugned and the material on record, I do not find any error or illegality in the order impugned in dismissing the complaint filed by the petitioner.

The criminal revision petition is accordingly dismissed.

[H.R. PANWAR],J.

Ashwini/-